

AN ACT

ENTITLED, An Act to revise certain court automation surcharges and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 16-2-39 be amended to read as follows:

16-2-39. In each civil action, proceeding for judicial remedy, and probate proceeding, the clerk of courts shall collect the sum of forty dollars as a unified judicial system court automation surcharge. The forty-dollar surcharge does not apply to a small claims action. In each small claims action, the clerk of courts shall collect as a unified judicial system court automation surcharge the sum of twelve dollars if the amount in controversy is less than four thousand dollars and sixteen dollars if the amount in controversy is four thousand dollars or more. The surcharge shall be collected from the plaintiff or person instituting the action or proceeding at the time of filing the first paper. The surcharge shall be collected by the clerk in the manner in which other fees are collected. However, no surcharge may be collected for any petition or motion to modify final orders for child support, child custody, child visitation, or spousal support or in any civil action or proceeding for judicial remedy commenced by the state, a county, a municipality, or a school district.

Section 2. That § 16-2-41 be amended to read as follows:

16-2-41. In each criminal action, in addition to any other liquidated costs, penalty, assessment, or fine provided by law, there shall be levied a unified judicial system court automation surcharge according to the following schedule:

- (1) Violation of county or municipal ordinances or administrative rules having criminal penalties, seventeen dollars and fifty cents;
- (2) Violation of state statute classified as a Class 2 misdemeanor, twenty-three dollars and fifty cents;
- (3) Violation of a state statute classified as a Class 1 misdemeanor, forty-one dollars and fifty

cents;

- (4) Violation of a state statute classified as a felony, sixty-one dollars and fifty cents.

Section 3. That § 16-2-41.1 be amended to read as follows:

16-2-41.1. In each appeal, intermediate appeal, original proceeding, or other action filed in the Supreme Court, the clerk of the court shall collect the sum of fifty dollars as a unified judicial system court automation surcharge. However, no surcharge may be collected in any proceeding commenced in the Supreme Court by the state, a county, a municipality, or a school district.

Section 4. After June 30, 2015, notwithstanding § 16-2-39, in each small claims action, the clerk of courts shall collect as a unified judicial system court automation surcharge the sum of six dollars if the amount in controversy is less than four thousand dollars and eight dollars if the amount in controversy is four thousand dollars or more.

Section 5. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise certain court automation surcharges and to declare an emergency.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1081

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1081

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State